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SENATE BILL 614

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

William E. Sharer

AN ACT

RELATING TO LICENSING; REVISING THE COUNSELING AND THERAPY
PRACTICE ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 61-9A-3 NMSA 1978 (being Laws 1993,
Chapter 49, Section 3, as amended) is amended to read:

"61-9A-3. DEFINITIONS.--As used in the Counseling and
Therapy Practice Act:

A. "accredited institution" means a university or
college accredited by a regional accrediting agency of
institutions of higher education;

B. "alcohol abuse counselor" means a person who
engages in the practice of alcohol abuse counseling;

C. "alcohol and drug abuse counselor" means a
person who engages in the practice of alcohol and drug abuse

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1 counseling;

2 D. "appraisal" means selecting, administering,
3 scoring and interpreting instruments designed to assess an
4 individual's aptitudes, attitudes, abilities, achievements,
5 interests, personal characteristics and current emotional or
6 mental state by appropriately educated, trained and experienced
7 clinicians and the use of nonstandardized methods and
8 techniques for understanding human behavior in relation to
9 coping with, adapting to or changing life situations of a
10 physical, mental or emotional nature; "appraisal" shall not be
11 construed to permit the performance of any act that counselors
12 or therapists are not educated, trained and licensed to
13 perform;

14 E. "appropriate supervision" means supervision as
15 defined by regulation, provided by a licensed professional
16 clinical mental health counselor, licensed professional mental
17 health counselor, licensed marriage and family therapist,
18 licensed professional art therapist, licensed psychiatrist,
19 licensed clinical psychologist, licensed alcohol and drug abuse
20 counselor with three years of alcohol and drug abuse experience
21 acquired after licensure, clinical nurse specialist in
22 psychiatry or licensed independent social worker with two years
23 of mental health and supervised clinical experience;

24 F. "appropriate clinical supervision" as defined by
25 regulation means supervision provided to licensed mental health

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1 counselors or therapists by a licensed professional clinical
2 mental health counselor, licensed marriage and family
3 therapist, licensed professional art therapist, licensed
4 psychiatrist, licensed clinical psychologist or clinical nurse
5 specialist in psychiatry;

6 [F.] G. "board" means the counseling and therapy
7 practice board;

8 H. "case management" means a systematic process
9 merging counseling and managerial concepts and skills through
10 the application of techniques derived from intuitive and
11 researched methods, thereby advancing efficient and effective
12 decision-making for functional control of self, client, setting
13 and other relevant factors for anchoring a proactive practice.

14 In case management, the counselor's role is focused on
15 interviewing, counseling, coordinating services, interacting
16 with appropriate others, following up with clients, monitoring
17 progress and solving problems;

18 [G.] I. "client contact hours" means the face-to-
19 face time spent with a client to appraise, assess, evaluate,
20 diagnose [and], treat psychopathology and provide counseling
21 services;

22 [H.] J. "clinical counseling" means the rendering
23 of counseling services involving the application of principles
24 of psychotherapy, human development, learning theory, [group
25 dynamics] diagnosis, treatment and the etiology of mental

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1 illness and dysfunctional behavior to individuals, couples,
2 families or groups for the purpose of assessing and treating
3 psychopathology and promoting optimal mental health;

4 K. "clinical instruction" means all supervised
5 course work within which the student has the opportunity to
6 engage in a broad range of clinical activities similar to those
7 performed by a professional counselor. This includes all
8 clinical mental health practicum and internships completed
9 within a student's program;

10 [~~F.~~] L. "consulting" and "consultation" means the
11 voluntary, nonsupervisory relationship between professionals or
12 other pertinent persons, in application of scientific
13 counseling, guidance and human development principles and
14 procedures [in psychotherapeutic counseling, guidance and human
15 development] to provide assistance in understanding and
16 [solving] resolving a current or potential problem that the
17 consultee may have in relation to a third party be it an
18 individual, group, family or organization;

19 M "counselor training and education" means a
20 process that prepares counselors in both didactic and clinical
21 aspects of counseling;

22 N. "course" means an integrated, organized course
23 of study, which encompasses a minimum of one school semester or
24 equivalent hours;

25 [~~J.~~] O. "counseling" means the application of

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1 scientific principles and procedures in therapeutic counseling,
2 guidance and human development to provide assistance in
3 understanding and solving a mental, emotional, physical,
4 social, moral, educational, spiritual or career development and
5 adjustment problem that a client may have;

6 P. "counseling related field" means to include
7 those fields which for training includes coursework in the
8 diagnosis and treatment of mental disorders; guidance
9 counseling, mental health-community counseling or agency
10 counseling; clinical psychology, counseling psychology; human
11 and family studies; art therapy; and art education with
12 appropriate clinical background to meet the clinical core
13 curriculum. The mental health clinical core curriculum must be
14 met for the license levels, licensed mental health,
15 professional mental health and clinical mental health.
16 Marriage and family therapy core curriculum must be met for the
17 marriage and family therapist and the art therapy core
18 curriculum must be met for an art therapist;

19 ~~[K.]~~ Q. "counseling and therapy practice" means the
20 licensed or registered practice of professional art therapy,
21 professional clinical mental health counseling, professional
22 mental health counseling, independent mental health counseling,
23 marriage and family therapy, alcohol abuse counseling, drug
24 abuse counseling and alcohol and drug abuse counseling;

25 ~~[L. "counselor and therapist practitioners" means~~

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1 ~~professional art therapists, professional clinical mental~~
2 ~~health counselors, professional mental health counselors,~~
3 ~~marriage and family therapists, registered mental health~~
4 ~~counselors, registered independent mental health counselors,~~
5 ~~alcohol abuse counselors, drug abuse counselors and alcohol and~~
6 ~~drug abuse counselors as a group;]~~

7 R. "counselor and therapist practitioner" means a
8 professional art therapist, professional clinical mental health
9 counselor, professional mental health counselor, licensed
10 mental health counselor, marriage and family therapist,
11 registered mental health counselor, registered independent
12 mental health counselor, licensed substance abuse trainee,
13 alcohol abuse counselor, drug abuse counselor and alcohol and
14 drug abuse counselor;

15 S. "credentialing" means the formal recognition of
16 professional competence designed by certification, licensure or
17 registry;

18 T. "cultural competency" means an understanding of
19 the diversity of racial, ethnic, cultural heritage and cultural
20 beliefs, including issues relating to social economic status,
21 extended family structures, age, gender, sexual orientation,
22 religious and spiritual beliefs;

23 U. "curricular experiences" means planned,
24 structured and formal teaching activities intended to enable
25 students to learn and apply specific information, principles,

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1 values and skills that are the intended consequences of the
2 formal education offered by an academic unit;

3 [M-] V. "department" means the regulation and
4 licensing department or the division of the department
5 designated to administer the counseling and therapy practice
6 board;

7 [~~N. "direct observation" means under supervision by~~
8 ~~an appropriate supervisor with the supervisee in one or more of~~
9 ~~the following settings: face-to-face, co-facilitation, one way~~
10 ~~mirrors or direct audio-visual;~~]

11 W. "diagnosis and treatment planning" means
12 assessing, analyzing and providing diagnostic descriptions of
13 mental, emotional or behavioral conditions; exploring possible
14 solutions; and developing and implementing a treatment plan for
15 mental, emotional and psychosocial adjustment or development.
16 "Diagnosis and treatment planning" shall not be construed to
17 permit the performance of any act that counselors are not
18 educated, trained and licensed to perform;

19 [~~0.~~] X. "drug abuse counselor" means a person who
20 engages in the practice of drug abuse counseling;

21 Y. "entry level" means the preparation requirements
22 considered necessary to enter professional practice after
23 completing a program of study; the first level at which one can
24 be considered a professional counselor or therapist;

25 Z. "evaluation" means the act of making informed

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1 decisions based on the use and analysis of pertinent data;

2 AA. "fitness" means suitability for being a
3 professional counselor. Fitness implies psychological health,
4 including the following variables: self-awareness; self-
5 acceptance; self-knowledge; self-confidence; courage;
6 resilience; purpose in life; balance; moderation; and emotional
7 stability;

8 BB. "internship" means a distinctly defined, pre-
9 graduate, supervised, capstone clinical experience in which the
10 student refines and enhances basic counseling or student
11 development knowledge and skills; integrates and authenticates
12 professional knowledge and skills appropriate to the student's
13 program and preparation for postgraduate professional
14 placement;

15 CC. "licensed mental health counselor" means a
16 person who is licensed by the board and is authorized by the
17 board to engage in the practice of mental health counseling
18 under appropriate supervision;

19 DD. "licensure" means the process by which a state
20 agency or government grants permission to an individual to
21 engage in a given profession and to use the designated title of
22 that profession after the applicant has attained the minimal
23 degree of competency necessary to ensure that the public
24 health, safety and welfare are reasonably well protected;

25 [P.-] EE. "marriage and family therapy" means the

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1 assessment, diagnosis and treatment of nervous and mental
2 disorders, whether cognitive, affective or behavioral, within
3 the context of marriage and family systems;

4 [Q-] FF. "marriage and family therapist" means a
5 person who is licensed for independent practice of marriage and
6 family therapy without supervision;

7 [R-] GG. "mental disorder" means any of several
8 conditions or disorders that meet the diagnostic criteria
9 contained in the diagnostic and statistical manual of the
10 American psychiatric association or the world health
11 organization's international classification of diseases manual;

12 HH. "paraprofessional" means a non-licensed service
13 provider. The services may include screening, assessment,
14 consultation, development of treatment plans, case management,
15 counseling, referral, appraisal, crisis intervention,
16 education, reporting and recordkeeping;

17 [S-] II. "practice of alcohol or drug abuse
18 counseling" means the licensed practice of counseling services,
19 as defined by [~~regulation~~] rule of the board, to individuals,
20 couples, families or groups. The services may include
21 screening, assessment, consultation, development of treatment
22 plans, case management, counseling, referral, appraisal, crisis
23 intervention, education, reporting and recordkeeping;

24 [T-] JJ. "practice of art therapy" means the
25 licensed practice of counseling services to individuals,

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1 families or groups of services that use art media as a means of
2 expression and communication to promote perceptive, intuitive,
3 affective and expressive experiences that alleviate distress,
4 reduce physical, emotional, behavioral and social impairment
5 and lead to growth or reintegration of one's personality. Art
6 therapy services include diagnostic evaluation, development and
7 implementation of patient treatment plans, goals and
8 objectives, case management services and therapeutic treatment
9 as defined by [~~regulation~~] rule of the board;

10 [U-] KK. "practice of marriage and family therapy"
11 means the licensed practice of marriage and family therapy
12 services delivered to individuals, [~~family groups and marital~~
13 ~~couples~~] couples and families treated singly or in groups, for
14 a cognitive behavioral, emotional or relationally disruptive
15 issue or a diagnosed mental or physical disorder in at least
16 one member of the couple or family being treated. The
17 "practice of marriage and family therapy" involves the
18 professional application of psychotherapeutic, human
19 development and family systems theories and techniques in a
20 therapeutic relationship to bring about change, and includes
21 the services of diagnostic evaluation, development and
22 implementation of patient treatment plans, goals and
23 objectives, case management services, therapeutic treatment,
24 research, appraisal, consulting and referral as defined by
25 [~~regulation~~] rule of the board [~~in the delivery of services to~~

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1 ~~individuals, couples and families and involves the presence of~~
2 ~~a diagnosed mental or physical disorder in at least one member~~
3 ~~of the couple or family being treated];~~

4 [V-] LL. "practice of professional clinical mental
5 health counseling" means the licensed practice of mental health
6 clinical counseling to individuals, couples, families or groups
7 and the diagnosis and treatment of mental and emotional
8 disorders as defined by the [~~American psychiatric association~~]
9 diagnostic and statistical manual of mental disorders or the
10 world health organization. "Practice of professional clinical
11 mental health counseling" includes diagnostic evaluation,
12 development and implementation of patient treatment plans,
13 goals and objectives, case management services, therapeutic
14 treatment, research and clinical mental health appraisal,
15 consulting, counseling and referral as defined by [~~regulation~~]
16 rule of the board;

17 [W-] MM. "practice of professional mental health
18 counseling" means the licensed practice of a therapeutic
19 counseling service that integrates a wellness and multicultural
20 model of human behavior involving certain methods and
21 techniques of appraisal, including consulting, counseling and
22 referral as defined by [~~regulation~~] rule of the board;

23 [X-] NN. "practice of registered mental health
24 counseling" or "practice of licensed mental health counseling"
25 means the registered or licensed practice, under appropriate

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1 supervision, of a therapeutic counseling service that
2 integrates a wellness and multicultural model of human behavior
3 involving certain methods and techniques of appraisal,
4 including consulting, counseling and referral as defined by
5 ~~[regulation]~~ rule of the board;

6 ~~[Y.]~~ 00. "practice of registered independent mental
7 health counseling" means the registered independent practice of
8 a therapeutic counseling service that integrates a wellness and
9 multicultural model of human behavior involving certain methods
10 and techniques of appraisal, including consulting, counseling
11 and referral as defined by ~~[regulation]~~ rule of the board;

12 PP. "practicum" means a distinctly defined,
13 supervised clinical experience in which the student develops
14 basic counseling skills and integrates professional knowledge.
15 Practicum is completed prior to internship;

16 QQ. "program" means a structured sequence of
17 curricular and clinical experiences housed within an academic
18 unit;

19 RR. "program evaluation" means the effort to
20 determine what changes occur as a result of a planned program
21 by comparing actual changes (results) with desired changes
22 (stated goals), and by identifying the degree to which the
23 activity (planned program) is responsible for those changes;

24 ~~[Z.]~~ SS. "professional art therapist" means a
25 licensed person who engages in the practice of art therapy

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1 without supervision;

2 [AA-] TT. "professional clinical mental health
3 counselor" means a licensed person who engages in the
4 independent practice of professional clinical mental health
5 counseling without supervision;

6 [BB-] UU. "professional mental health counselor"
7 means a licensed person who engages in the practice of
8 professional mental health counseling without supervision;

9 VV. "related professions with equivalent
10 qualifications" means a profession closely related to
11 counseling, such as clinical social works, clinical
12 psychologist, clinical nurse specialists or psychology.
13 Qualifications must be commensurate with the clinical
14 preparation and experience of professional counselors or
15 therapists as defined in board rules;

16 [CC-] WW. "referral" means ~~[the evaluation of~~
17 ~~information to identify needs of the person being counseled to~~
18 ~~determine the advisability of sending the person being~~
19 ~~counseled to other specialists, informing the person being~~
20 ~~counseled of such judgment and communicating the information to~~
21 ~~other counseling services as deemed appropriate]~~ evaluating and
22 identifying the needs of a client to determine the advisability
23 of referrals to other specialists, advising the counselee of
24 such judgements and communicating as requested or deemed
25 appropriate to such referral sources;

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1 ~~[DD. "licensed mental health counselor" means a~~
2 ~~person who is licensed by the board and is authorized by the~~
3 ~~board to engage in the practice of mental health counseling~~
4 ~~under appropriate supervision;]~~

5 XX. "research" means a systematic effort to
6 collect, analyze and interpret quantitative or qualitative data
7 that describe how social characteristics, behavior, emotions,
8 cognition, disabilities, mental disorders and interpersonal
9 transactions among individuals, couples, families and
10 organizations interact;

11 ~~[EE.-]~~ YY. "registered independent mental health
12 counselor" means ~~[an individual]~~ a person who is registered
13 with the board and is authorized by the board to engage in the
14 practice of mental health counseling without supervision;

15 ZZ. "site supervisor" means a qualified individual
16 within a setting who is responsible for supervising a student's
17 work at that setting;

18 AAA. "standard" means a minimal criterion that must
19 be met;

20 ~~[FF.-]~~ BBB. "substance abuse counselor" means a
21 person who is licensed to practice alcohol and drug abuse
22 counseling, alcohol abuse counseling, who may treat alcohol
23 abuse, or drug abuse counseling and who may treat drug abuse;
24 [and

25 ~~GG.-]~~ CCC. "substance abuse ~~[intern]~~ trainee" means

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1 a person who is licensed to practice [~~alcohol and drug abuse~~
2 ~~counseling, alcohol abuse counseling or drug abuse counseling~~]
3 under [~~direct observation~~] appropriate supervision defined by
4 rule; and

5 DDD. "supervision" means a tutorial and mentoring
6 form of instruction in which a supervisor monitors the
7 student's activities in practicum and internship, or licensees
8 in other clinical situations and facilitates the learning and
9 skill development experiences associated with practicum,
10 internship or other clinical situations. The supervisor
11 monitors and evaluates the clinical work of the student or
12 licensee while monitoring the quality of services offered to
13 clients. "

14 Section 2. Section 61-9A-4 NMSA 1978 (being Laws 1993,
15 Chapter 49, Section 4, as amended) is amended to read:

16 "61-9A-4. LICENSE OR REGISTRATION REQUIRED. --

17 A. Unless licensed or registered to practice under
18 the Counseling and Therapy Practice Act, no person shall engage
19 in [~~the practice of~~]:

20 (1) the practice of professional mental health
21 counseling;

22 (2) the practice of professional clinical
23 mental health counseling;

24 (3) marriage and family therapy;

25 (4) professional art therapy;

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1 (5) counseling as a licensed mental health
2 counselor; [~~or~~]

3 (6) counseling as a registered independent
4 mental health counselor; or

5 (7) counseling as a registered mental health
6 counselor.

7 B. Unless licensed to practice under the Counseling
8 and Therapy Practice Act, no person shall engage in [~~the~~
9 ~~practice of~~]:

10 (1) the practice of alcohol and drug abuse
11 counseling;

12 (2) the practice of alcohol abuse counseling;

13 (3) the practice of drug abuse counseling; or

14 (4) substance abuse counseling as a substance
15 abuse [~~intern~~] trainee. "

16 Section 3. Section 61-9A-5 NMSA 1978 (being Laws 1993,
17 Chapter 49, Section 5, as amended) is amended to read:

18 "61-9A-5. [~~SCOPE OF PRACTICE~~] DESCRIPTION OF
19 PRACTICING. - -

20 A. For the purpose of the Counseling and Therapy
21 Practice Act, a person is practicing as a professional mental
22 health counselor, professional clinical mental health
23 counselor, marriage and family therapist, professional art
24 therapist, registered independent mental health counselor,
25 registered mental health counselor, licensed mental health

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1 counselor, alcohol and drug abuse counselor, alcohol abuse
2 counselor, drug abuse counselor or substance abuse [~~intern~~]
3 trainee if he advertises; offers himself to practice; is
4 employed in a position described as professional mental health
5 counselor, professional clinical mental health counselor,
6 marriage and family therapist, professional art therapist,
7 registered independent mental health counselor, registered
8 mental health counselor, alcohol and drug abuse counselor,
9 alcohol abuse counselor, drug abuse counselor or substance
10 abuse [~~intern~~] counselor trainee; or holds out to the public or
11 represents in any manner that he is licensed or registered to
12 practice as [~~such~~] a counselor or therapist enumerated in this
13 section in this state.

14 ~~[B.—The scope of the practice of alcohol or drug~~
15 ~~abuse counseling, or both, consists of rendering counseling~~
16 ~~services, as defined by regulation, to individuals, couples,~~
17 ~~families or groups. The services may include screening,~~
18 ~~assessment, consultation, development of treatment plans, case~~
19 ~~management, counseling, referral, appraisal, crisis~~
20 ~~intervention, education, reporting and recordkeeping.]~~

21 B. "Practice of professional clinical mental health
22 counseling, professional art therapist or marriage and family
23 therapist" means the application of mental health,
24 psychotherapeutic and human development principles through a
25 therapeutic relationship to:

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1 (1) achieve the mental, emotional, physical,
2 social, moral, educational, spiritual or career-related
3 development and adjustment of the client throughout the
4 client's life;

5 (2) diagnose, evaluate, prevent and treat
6 mental, emotional or behavioral disorders and associated
7 distresses that interfere with mental health;

8 (3) conduct appraisal, assessments and
9 evaluations to establish treatment goals and objectives; and

10 (4) plan, implement and evaluate treatment
11 plans using counseling treatment interventions and strategies.

12 C. "Practice of licensed mental health counselor
13 and registered mental health counselor under appropriate
14 supervision" consists of rendering counseling services, which
15 may include evaluation, assessment consultation, development of
16 treatment plans, case management counseling referral,
17 appraisal, crisis intervention education, reporting and
18 recordkeeping to individuals, couples, families or groups as
19 defined by regulation.

20 D. "Practice of licensed independent professional
21 mental health counselor" consists of rendering counseling
22 services, which may include evaluation, assessment
23 consultation, development of treatment plans, case management
24 counseling referral, appraisal, crisis intervention education,
25 reporting and recordkeeping to individuals, couples, families

1 or groups as defined by regulation.

2 E. Scope of practice in declared transition to
3 professional clinical mental health counselor from professional
4 mental health counselor or licensed mental health counselor.

5 Practice of licensed professional mental health counselors
6 and licensed mental health counselors who have declared their
7 intention to transition to professional clinical mental health
8 counselor shall:

9 (1) hold a master's or doctoral degree in
10 counseling or an allied mental health field from a nationally
11 accredited institution consisting of sixty graduate semester
12 hours or ninety graduate quarter hours;

13 (2) meet the requirements of the mental health
14 clinical core curriculum as defined in the Counseling and
15 Therapy Practice Act using only transcribed, graduate
16 coursework dedicated to the required courses area without
17 partitioning, divisioning or sectioning of courses into various
18 core areas; and

19 (3) take and pass all clinical examinations
20 prescribed by the board.

21 The scope of practice for individuals in this declared
22 transitional status, while under appropriate clinical
23 supervision as defined in the Counseling and Therapy Practice
24 Act, consists of the application of mental health,
25 psychotherapeutic and human development principles to:

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1 (1) facilitate human development and
2 adjustment throughout life to individuals, couples or groups to
3 individuals, couples or groups as defined by regulation;

4 (2) prevent, diagnose, evaluate and treat
5 mental, emotional or behavioral disorders and associated
6 distresses that interfere with mental health;

7 (3) conduct assessments and evaluations to
8 establish treatment goals and objectives; and

9 (4) plan, implement and evaluate treatment
10 plans using counseling treatment interventions that include:

11 (a) counseling;

12 (b) assessment;

13 (c) consulting; and

14 (d) referral.

15 Upon satisfactory completion of supervised experience, the
16 professional may apply for professional clinical mental health
17 licensure.

18 F. The scope of practice of alcohol or drug abuse
19 counseling, or both, consists of rendering treatment and
20 intervention services specific to alcohol and other drug use
21 disorders to individuals, couples, families or groups. The
22 services may include evaluation, assessment, diagnosis,
23 including chemical abuse and chemical dependency disorders
24 only, consultation, development of treatment plans, case
25 management-counseling, referral, appraisal, crisis

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1 intervention, education, reporting and recordkeeping. Nothing
2 in this scope of practice shall be construed as preventing
3 licensed alcohol abuse counselors, drug abuse counselors and
4 alcohol and drug abuse counselors from providing screening and
5 referrals for mental health disorders. However, assessment,
6 treatment and diagnosis for such disorders is not within the
7 scope of practice of this license. The practice of these
8 activities will be limited to the individual's level of
9 training, education and supervised experience.

10 G. The scope of practice of a substance abuse
11 trainee under the supervision by an appropriate supervisor is
12 limited to supervised work in a public or private institution.
13 The trainee may be involved in taking social histories or
14 conducting home studies. The trainee utilizes the basic
15 problem-solving process of gathering information, assessing
16 that information at a beginning professional level and
17 developing an intervention plan. The trainee may implement the
18 plan and conduct follow-ups pertaining specifically to alcohol
19 and drug abuse counseling. The trainee may provide client
20 education and assist licensed counselor-therapist with group or
21 individual counseling sessions."

22 Section 4. Section 61-9A-6 NMSA 1978 (being Laws 1993,
23 Chapter 49, Section 6, as amended) is amended to read:

24 "61-9A-6. EXEMPTIONS. --

25 A. Nothing in the Counseling and Therapy Practice

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1 Act [~~shall be construed to prevent~~] prohibits:

2 (1) a person who is licensed, certified or
3 regulated under the laws of this state from engaging in
4 activities consistent with the standards and ethics of his
5 profession or practice; or

6 (2) an alternative, ~~metaphysical~~ or holistic
7 practitioner from engaging in nonclinical activities consistent
8 with the standards and codes of ethics of that practice.

9 B. Specifically exempted from the Counseling and
10 Therapy Practice Act are:

11 (1) elementary and secondary school counselors
12 acting on behalf of their employer who are [~~otherwise~~
13 ~~regulated~~] not licensed pursuant to the Counseling and Therapy
14 Practice Act;

15 (2) [~~peer counselors of~~] domestic violence or
16 independent-living [~~peer counselors~~] paraprofessionals working
17 under appropriate supervision in a nonprofit corporation,
18 association or similar entity;

19 (3) duly ordained, ~~commissioned~~ or licensed
20 ministers of a church or lay pastoral-care assistants providing
21 pastoral services on behalf of a church;

22 (4) a person who is enrolled in an internship
23 or practicum under appropriate supervision and is in the
24 internship or practicum for the sole purpose of acquiring an
25 advanced degree in mental health counseling, marriage and

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1 family therapy or art therapy or a degree in substance abuse
2 counseling; and

3 (5) practitioners of Native American healing
4 arts. "

5 Section 5. Section 61-9A-7 NMSA 1978 (being Laws 1993,
6 Chapter 49, Section 7, as amended) is amended to read:

7 "61-9A-7. ~~BOARD CREATED-- MEMBERS-- APPOINTMENT-- TERMS--~~
8 ~~COMPENSATION.--~~

9 A. There is created the "counseling and therapy
10 practice board" [~~whi-eh~~]. The board is administratively
11 attached to the department.

12 B. The board [~~shall consist~~] consists of nine
13 members who are United States citizens and have been New Mexico
14 residents for at least five years prior to their appointment.
15 Of the nine members:

16 (1) five members shall be professional
17 members, who shall be a professional mental health counselor, a
18 professional clinical mental health counselor, a marriage and
19 family therapist, a professional art therapist and an alcohol
20 and drug abuse counselor, licensed under the Counseling and
21 Therapy Practice Act and shall have engaged in a counselor and
22 therapist practice for at least five years. These members
23 shall not hold any elected or appointed office in any
24 professional organization of counseling, psychology or closely
25 related field during their tenure on the board, nor shall they

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1 be school owners. The professional mental health counselor
2 shall also represent the registered independent and licensed
3 mental health counselors; and

4 (2) four members shall represent the public.
5 The public members shall not have been licensed or have
6 practiced as counselor or therapist practitioners or in any
7 other regulated mental health profession, nor have any
8 significant financial interest, either direct or indirect, in
9 the professions regulated.

10 C. ~~[All]~~ Members of the board shall be appointed by
11 the governor for staggered terms of four years. ~~[Each]~~ A
12 member shall hold office until his successor is appointed.
13 Vacancies shall be filled in the same manner as original
14 appointments. No appointee shall serve more than two terms.

15 D. The governor may appoint professional board
16 members from a list of nominees submitted by qualified
17 individuals and organizations, including the New Mexico
18 counseling association, the New Mexico association for marriage
19 and family therapy, the New Mexico art therapy association and
20 the alcohol and drug directors association.

21 E. Members of the board shall be reimbursed as
22 provided in the Per Diem and Mileage Act and shall receive no
23 other compensation, perquisite or allowance.

24 F. The board shall elect annually from its
25 membership a chairman and a secretary and other officers as

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1 necessary to carry out its duties.

2 G. The board shall meet at least twice a year and
3 at other times deemed necessary. Other meetings may be called
4 by the chairman upon the written request of three members of
5 the board. A simple majority of the board members shall
6 constitute a quorum of the board.

7 H. Any member failing to attend three meetings
8 after proper notice shall be automatically recommended for
9 removal as a board member, unless excused by the board chair
10 for one of the following reasons:

11 (1) extenuating circumstances beyond his
12 control, including illness;

13 (2) prearranged activities out of town; or

14 (3) other severe circumstances that do not
15 allow a member to attend."

16 Section 6. Section 61-9A-8 NMSA 1978 (being Laws 1993,
17 Chapter 49, Section 8, as amended) is amended to read:

18 "61-9A-8. DEPARTMENT DUTIES.--The department, with the
19 consultation of the board, shall:

20 A. process applications and conduct and review the
21 required examinations;

22 B. issue licenses and certificates of registration
23 to applicants who meet the requirements of the Counseling and
24 Therapy Practice Act;

25 C. administer, coordinate and enforce the

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1 provisions of the Counseling and Therapy Practice Act and
2 investigate persons engaging in practices that may violate the
3 provisions of that act;

4 D. ~~[hire]~~ approve the selection of primary staff
5 ~~[as necessary to carry out the provisions of the Counseling and~~
6 ~~Therapy Practice Act]~~ assigned to the board;

7 E. maintain records, including financial records;
8 and

9 F. maintain a current register of licensees and
10 registrants as a matter of public record. "

11 Section 7. Section 61-9A-9 NMSA 1978 (being Laws 1993,
12 Chapter 49, Section 9, as amended) is amended to read:

13 "61-9A-9. BOARD-- POWERS AND DUTIES. --

14 A. The board may:

15 (1) adopt in accordance with the Uniform
16 Licensing Act and file in accordance with the State Rules Act
17 rules necessary to carry out the provisions of the Counseling
18 and Therapy Practice Act;

19 (2) select and provide for the administration
20 of, at least, semiannual examinations for licensure;

21 (3) establish the passing scores for
22 examinations;

23 (4) take any disciplinary action allowed by
24 and in accordance with the Uniform Licensing Act;

25 (5) censure, reprimand or place a licensee or

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1 registrant on probation [~~for a period not to exceed one year~~];

2 (6) require and establish criteria for
3 continuing education;

4 (7) establish by rule procedures for
5 receiving, investigating and resolving complaints;

6 (8) approve appropriate supervision and post-
7 graduate experience for persons seeking licensure or
8 registration;

9 (9) provide for the issuance of licenses [~~and~~
10 ~~certificates of registration~~];

11 (10) determine eligibility of individuals for
12 licensure or registration;

13 (11) set fees for administrative services,
14 licenses and registration, as authorized by the Counseling and
15 Therapy Practice Act, and authorize all disbursements necessary
16 to carry out the provisions of that act;

17 (12) establish criteria for supervision and
18 supervisory requirements;

19 (13) establish a code of ethics; and

20 (14) establish committees.

21 B. The board may establish a standards committee
22 for each licensed profession. The members of each standards
23 committee shall be appointed by the board with the consent of
24 the department and shall include at least one board member from
25 the licensed profession and at least one public board member.

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1 The board member representing each respective profession shall
2 chair its standards committee and the committee shall:

3 (1) recommend and periodically review a code
4 of ethics;

5 (2) review license applications and recommend
6 approval or disapproval;

7 (3) develop criteria for supervision; and

8 (4) recommend rules [~~and regulations~~].

9 C. Members of the standards committees or other
10 committees may be reimbursed as provided in the Per Diem and
11 Mileage Act, but shall receive no other compensation,
12 perquisite or allowance. These members shall not hold [any] an
13 elected office in [any] a professional organization of
14 counseling, psychology or closely related field during their
15 tenure on the standards committees."

16 Section 8. Section 61-9A-10 NMSA 1978 (being Laws 1993,
17 Chapter 49, Section 10, as amended) is amended to read:

18 "61-9A-10. PROFESSIONAL MENTAL HEALTH COUNSELOR--
19 REQUIREMENTS FOR LICENSURE.--The board shall issue a license as
20 a professional mental health counselor to any person who files
21 a completed application accompanied by the required fees and
22 who submits satisfactory evidence that the applicant:

23 A. has reached the age of twenty-one;

24 B. holds a master's or doctoral degree in
25 counseling or [~~an allied mental health~~] a counseling-relating

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1 field from an accredited institution;

2 C. demonstrates professional competency by passing
3 ~~[an examination as]~~ the required examinations prescribed by the
4 board;

5 D. has completed one thousand client contact hours
6 of postgraduate professional counseling experience under
7 appropriate supervision consisting of at least one hundred
8 supervision hours; and

9 E. is of good moral character with conduct
10 consistent with the code of ethics."

11 Section 9. Section 61-9A-11 NMSA 1978 (being Laws 1993,
12 Chapter 49, Section 11, as amended) is amended to read:

13 "61-9A-11. PROFESSIONAL CLINICAL MENTAL HEALTH
14 COUNSELOR--REQUIREMENTS FOR LICENSURE. --The board shall issue a
15 license as a professional clinical mental health counselor to
16 any person who files a completed application accompanied by the
17 required fees and who submits satisfactory evidence that the
18 applicant:

19 A. has reached the age of twenty-one;

20 B. holds a master's or doctoral degree in
21 counseling or ~~[an allied mental health]~~ counseling-related
22 field from ~~[an]~~ a regionally accredited institution. Effective
23 July 1, ~~[1998]~~ 2003, the applicant ~~must~~ have a master's degree
24 and a total of no less than ~~[forty-eight]~~ sixty graduate
25 semester hours or ninety quarter hours in the mental health

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1 clinical core curriculum;

2 C. demonstrates professional competency by passing
3 ~~[an]~~ the required examination as prescribed by the board;

4 D. has a minimum of two years of professional
5 clinical counseling experience, including at least three
6 thousand clinical contact hours and at least one hundred hours
7 of face-to-face supervision. One thousand client clinical
8 contact hours may be submitted from the applicant's internship
9 or practicum; and

10 E. is of good moral character with conduct
11 consistent with the code of ethics."

12 Section 10. Section 61-9A-11.1 NMSA 1978 (being Laws
13 1999, Chapter 161, Section 10) is amended to read:

14 "61-9A-11.1. PROFESSIONAL CLINICAL MENTAL HEALTH
15 COUNSELOR--REQUIREMENTS FOR LICENSURE.--The board shall issue a
16 license as a professional clinical mental health counselor to
17 any person who files a completed application accompanied by the
18 required fees within the July 1, 2000 through July 1, 2004
19 period and who submits satisfactory evidence that the
20 applicant:

21 A. has reached the age of twenty-one;

22 B. holds a grandfathered professional mental health
23 counselor license that was applied for prior to July 1, 1994;

24 C. holds a master's or doctoral degree and a total
25 of ~~[sixty]~~ forty-eight graduate semester hours or more or

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1 seventy-two quarter hours from a regionally accredited
2 institution;

3 D. demonstrates professional competency by
4 satisfactorily passing [~~an examination~~] the required
5 examinations as prescribed by the board, or documentation of
6 ten thousand hours of client contact experience, including at
7 least three hundred hours of face-to-face supervision of which
8 at least one hundred hours are individual;

9 E. has a minimum of five thousand hours of client
10 contact experience, including at least two hundred hours of
11 face-to-face supervision of which one hundred hours are
12 individual; and

13 F. is of good moral character with conduct
14 consistent with the code of ethics."

15 Section 11. A new section of the Counseling and Therapy
16 Practice Act, Section 61-9A-11.2 NMSA 1978, is enacted to read:

17 "61-9A-11.2. [NEW MATERIAL] PROFESSIONAL CLINICAL MENTAL
18 HEALTH COUNSELOR--REQUIREMENTS FOR LICENSING.--The board shall
19 issue a license as a professional clinical mental health
20 counselor to any person who files a completed application
21 accompanied by the required fees within the July 1, 2003
22 through July 1, 2004 period and who submits satisfactory
23 evidence that the applicant:

24 A. has reached the age of twenty-one;

25 B. holds a professional mental health counselor

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1 license that was applied for between July 1, 1994 through July
2 1, 1998;

3 C. holds a master's or doctoral degree and a total
4 of forty-eight graduate semester hours or seventy-two quarter
5 hours from a regionally accredited institution;

6 D. demonstrates professional competency by
7 satisfactorily passing the required examinations as prescribed
8 by the board;

9 E. documents five thousand hours of supervised
10 client contact experience, including at least two hundred hours
11 of face-to-face supervision of which one hundred hours are
12 individual; and

13 F. is of good moral character with conduct
14 consistent with the code of ethics."

15 Section 12. Section 61-9A-12 NMSA 1978 (being Laws 1993,
16 Chapter 49, Section 12, as amended) is amended to read:

17 "61-9A-12. MARRIAGE AND FAMILY THERAPIST--REQUIREMENTS
18 FOR LICENSURE.--The board shall issue a license as a marriage
19 and family therapist to [~~any~~] a person who files a completed
20 application accompanied by the required fees and who submits
21 satisfactory evidence that the applicant:

22 A. has reached the age of twenty-one;

23 B. holds a master's or doctoral degree with a focus
24 in marriage and family therapy [~~or~~] and meets the requirements
25 of the core curriculum in marriage and family therapy from an

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1 accredited institution;

2 C. demonstrates professional competency by passing
3 [~~an examination~~] the examinations as prescribed by the board;

4 D. has a minimum of two years of postgraduate
5 marriage and family therapy experience consisting of one
6 thousand client contact hours and two hundred hours of
7 appropriate supervision, of which one hundred hours of such
8 supervision was on an individual basis; and

9 E. is of good moral character with conduct
10 consistent with the code of ethics."

11 Section 13. Section 61-9A-13 NMSA 1978 (being Laws 1993,
12 Chapter 49, Section 13, as amended) is amended to read:

13 "61-9A-13. PROFESSIONAL ART THERAPIST--REQUIREMENTS FOR
14 LICENSURE.--The board shall issue a license as a professional
15 art therapist to any person who files a completed application
16 accompanied by the required fees and who submits satisfactory
17 evidence that the applicant:

18 A. has reached the age of twenty-one;

19 B. demonstrates professional competency by passing
20 an examination as prescribed by the board;

21 C. holds either:

22 (1) a master's or doctoral degree from a
23 regionally accredited institution or nationally approved art
24 therapy program in art therapy that includes [~~six~~] seven
25 hundred hours of supervised internship experience from an

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1 accredited institution; ~~[or]~~

2 (2) a master's degree in a counseling-related
3 field, has a minimum of ~~[twenty-one]~~ twenty-four semester hours
4 of sequential course work in the history, theory and practice
5 of art therapy and has completed ~~[six]~~ seven hundred hours of
6 supervised internship experience from an accredited
7 institution. The board may approve on a case-by-case basis
8 applicants who have a master's degree or a doctoral degree from
9 non-accredited institutions; and

10 (3) a master's degree in a counseling-related
11 field and completed a minimum of twenty-four semester hours in
12 an art therapy certificated program from a regionally
13 accredited institution or an nationally approved American art
14 therapy association program.

15 D. has completed one thousand client contact hours
16 of postgraduate face-to-face experience under appropriate
17 supervision beyond the requirements in ~~[Paragraph (1)]~~
18 Paragraphs (1), (2) and (3) of Subsection C of this section ~~[or~~
19 ~~two thousand client contact hours of postgraduate experience~~
20 ~~under appropriate supervision beyond the requirements in~~
21 ~~Paragraph (2) of Subsection C of this section]~~. Supervision
22 shall be under a ~~[nationally licensed or American art therapy~~
23 ~~association-certified art therapist]~~ New Mexico licensed
24 professional art therapist or certified board art therapist for
25 at least fifty percent of the working hours; and

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1 E. is of good moral character with conduct
2 consistent with the code of ethics. "

3 Section 14. Section 61-9A-14 NMSA 1978 (being Laws 1993,
4 Chapter 49, Section 14, as amended) is amended to read:

5 "61-9A-14. REQUIREMENTS FOR LICENSED MENTAL HEALTH
6 COUNSELOR. --The board shall issue a license as a mental health
7 counselor to any person who files a completed application
8 accompanied by the required fees and who submits satisfactory
9 evidence that the applicant:

10 A. has reached the age of twenty-one;

11 B. has obtained a master's or doctoral degree in
12 counseling or a counseling-related field, marriage and family
13 therapy or art therapy or meets the educational requirements
14 for the terminal license;

15 C. has arranged for a board-approved supervisor and
16 a postgraduate experience plan for working under the
17 appropriate supervision to meet marriage and family therapist,
18 professional art therapist or professional mental health
19 counselor requirements for licensure;

20 D. demonstrates professional competence by passing
21 an examination within the applicant's discipline as prescribed
22 by the board; and

23 E. is of good moral character with conduct
24 consistent with the code of ethics. "

25 Section 15. Section 61-9A-14.1 NMSA 1978 (being Laws

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1 1996, Chapter 61, Section 8, as amended) is amended to read:

2 "61-9A-14.1. SUBSTANCE ABUSE INTERN--REQUIREMENTS FOR
3 LICENSURE. --

4 A. The board shall license as a substance abuse
5 ~~[intern]~~ trainee any person who files a completed application
6 accompanied by the required fees and who submits satisfactory
7 evidence that the applicant:

8 (1) is of good moral character with conduct
9 consistent with the code of ethics;

10 (2) has reached the age of twenty-one;

11 (3) possesses a high school diploma or its
12 equivalent;

13 (4) has arranged for a board-approved
14 supervisor and experience plan for working under appropriate
15 supervision to meet the requirements for licensure as a
16 substance abuse counselor;

17 (5) has a total of ninety clock hours of
18 education and training in the fields of alcohol and drug abuse;

19 and

20 [~~(6) signs a code of ethics statement, as~~
21 ~~approved by the board; and~~

22 ~~(7)] (6) provides three letters of
23 recommendation as established by rule.~~

24 B. Effective July 1, [2003] 2005, the board shall
25 license as a substance abuse ~~[intern]~~ trainee any person who

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1 files a completed application accompanied by the required fees
2 and who submits satisfactory evidence that the applicant:

3 (1) is of good moral character, with conduct
4 consistent with the code of ethics;

5 (2) has reached the age of twenty-one;

6 (3) holds an associate degree in counseling or
7 in a counseling-related [~~mental health~~] field from [~~an~~] a
8 regionally accredited institution and has a total of ninety
9 clock hours of education and training in the fields of alcohol
10 and drug abuse;

11 (4) has arranged for a board-approved
12 supervisor and experience plan for working under [~~direct~~
13 ~~observation~~] appropriate supervision to meet the requirements
14 for licensure as a substance abuse counselor; and

15 [~~(5) signs a code of ethics statement, as~~
16 ~~approved by the board; and~~

17 ~~(6)] (5) provides [three] two letters of
18 recommendation: one letter from a current supervisor and one
19 letter from a current employer [~~and~~] or one letter from a
20 professional substance abuse colleague."~~

21 Section 16. Section 61-9A-14.2 NMSA 1978 (being Laws
22 1999, Chapter 161, Section 15) is amended to read:

23 "61-9A-14.2. ALCOHOL AND DRUG ABUSE COUNSELOR--
24 REQUIREMENTS FOR LICENSURE. --

25 A. The board shall license as an alcohol and drug

1 abuse counselor [~~any~~] a person who files a completed
2 application accompanied by the required fees and who submits
3 satisfactory evidence that the applicant:

4 (1) is of good moral character with conduct
5 consistent with the code of ethics;

6 (2) has reached the age of twenty-one;

7 [~~(3) possesses a high school diploma or its~~
8 ~~equivalent;~~

9 [~~(4) has passed an examination, as approved by~~
10 ~~the board;~~

11 [~~(5) signs a code of ethics statement, as~~
12 ~~approved by the board; and]~~

13 (3) demonstrates professional competency by
14 passing the required examination prescribed by the board; and

15 [~~(6)] (4) has one of the following
16 combinations of education and experience:~~

17 (a) an associate degree or board-
18 approved education and training that includes two hundred
19 seventy-six clock hours with at least ninety hours in each of
20 the fields of alcohol, drug and counseling and six hours of
21 training in professional ethics, four years of experience in
22 the practice of alcohol and drug abuse counseling under
23 appropriate supervision and three hundred hours of approved
24 practicum;

25 (b) a baccalaureate degree in a

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1 counseling-related [mental-health] field from a regionally
2 accredited institution and education or training that includes
3 two hundred seventy-six clock hours of specific training that
4 may be a part of the degree program and that includes at least
5 ninety hours in each of the fields of alcohol, drug and
6 counseling and six hours of training in professional ethics and
7 three years of experience in the practice of alcohol and drug
8 abuse counseling under appropriate supervision; or

9 (c) a master's degree in [a-related
10 mental-health] counseling or a counseling-related field, from a
11 regionally accredited institution, two hundred seventy-six
12 clock hours of specific training that may be part of the degree
13 program and that includes at least ninety hours in each of the
14 fields of alcohol, drug and counseling and six hours of
15 training in professional ethics and two years of experience in
16 the practice of alcohol and drug abuse counseling under
17 appropriate supervision.

18 B. Effective July 1, [2003] 2005, the board shall
19 license as an alcohol and drug abuse counselor [any] a person
20 who files a completed application accompanied by the required
21 fees and who submits satisfactory evidence that the applicant:

22 (1) is of good moral character with conduct
23 consistent with the code of ethics;

24 (2) has reached the age of twenty-one;

25 [~~(3) holds a baccalaureate degree in~~

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1 ~~counseling in a related mental health field from an accredited~~
2 ~~institution;~~

3 ~~(4) has passed an examination, as approved by~~
4 ~~the board;~~

5 ~~(5) signs a code of ethics statement, as~~
6 ~~approved by the board; and]~~

7 (3) demonstrates professional competency by
8 passing the required examinations prescribed by the board;

9 (4) provides three letters of recommendation:
10 one letter from a current supervisor, one letter from a current
11 employer and one letter from a professional substance abuse
12 colleague; and

13 [~~6~~] (5) has one of the following
14 combinations of education and experience:

15 (a) a baccalaureate degree in [~~a~~]
16 counseling or a counseling-related [mental health] field from a
17 regionally accredited institution and education and training
18 that includes two hundred seventy-six clock hours [~~of specific~~
19 ~~training that may be a part of the degree program and that~~
20 ~~includes at least]~~ with ninety hours in each of the fields of
21 alcohol, drug and counseling [~~education]~~ and six [~~clock]~~ hours
22 of [~~training in]~~ professional ethics, [~~and three hundred hours~~
23 ~~of approved practicum and three]~~ two years and two thousand
24 client contact hours [acquired within the last fifteen years]
25 under appropriate supervision of experience in the practice of

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1 alcohol and drug abuse counseling [~~under appropriate~~
2 ~~supervision~~] and one hundred hours of face-to-face supervision;
3 or

4 (b) a master's degree in counseling or a
5 counseling-related [~~mental health~~] field from a regionally
6 accredited institution, and education and training that
7 includes two hundred seventy-six clock hours [~~of specific~~
8 ~~training that may be a part of the degree program and that~~
9 ~~includes at least~~] with ninety hours in each of the fields of
10 alcohol, drug and counseling [~~education~~] and six hours of
11 [~~training in~~] professional ethics, [~~and three hundred hours of~~
12 ~~approved practicum and two~~] one year and one thousand client
13 contact hours [~~acquired within the last five years~~] under
14 appropriate supervision of experience in the practice of
15 alcohol and drug abuse counseling [~~under appropriate~~
16 ~~supervision~~] and fifty hours of face-to-face supervision
17 hours. "

18 Section 17. Section 61-9A-15 NMSA 1978 (being Laws 1993,
19 Chapter 49, Section 15, as amended) is amended to read:

20 "61-9A-15. EXAMINATIONS. --

21 A. Applicants who have met the requirements for
22 licensure shall be scheduled for the next appropriate
23 [~~examination~~] examinations following the approval of the
24 application. The board shall establish [~~by rule~~] the
25 [~~examination~~] board-approved examinations application deadline

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1 and the requirements for reexamination if the applicant has
2 failed the ~~[examination]~~ examinations.

3 B. The ~~[examination]~~ examinations shall cover
4 subjects appropriate to the scope of practice as a licensed
5 mental health counselor, a professional mental health
6 counselor, a professional clinical mental health counselor, a
7 marriage and family therapist, a professional art therapist or
8 a substance abuse counselor. "

9 Section 18. Section 61-9A-16 NMSA 1978 (being Laws 1993,
10 Chapter 49, Section 16) is amended to read:

11 "61-9A-16. TEMPORARY LICENSURE. -- Prior to examination, an
12 applicant for licensure may obtain a temporary license to
13 engage in any counselor and therapist practice if the person
14 meets all of the requirements, except examination, provided for
15 in Section ~~[10, 11, 12, 13 or 14 of the Counseling and Therapy~~
16 ~~Practice Act]~~ 61-9A-10, 61-9A-11, 61-9A-12, 61-9A-13 or
17 61-9A-14 NMSA 1978. The temporary license shall be valid no
18 more than ~~[thirty]~~ sixty days after the results of the next
19 examination become available. ~~[At that time, should]~~ If the
20 individual should fail to take or pass that ~~[examination]~~
21 examinations, the temporary license shall automatically expire
22 and the applicant will not be reissued a temporary license. "

23 Section 19. Section 61-9A-22 NMSA 1978 (being Laws 1993,
24 Chapter 49, Section 22, as amended) is amended to read:

25 "61-9A-22. LICENSURE BY CREDENTIALS. -- ~~[The board may~~

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1 ~~license an applicant without examination if the person~~
2 ~~possesses a valid regulatory document issued by the appropriate~~
3 ~~examining board under the laws of any other state or territory~~
4 ~~of the United States, the District of Columbia or any foreign~~
5 ~~nation that in the judgment of the board has requirements~~
6 ~~substantially equivalent to or exceeding those in the~~
7 ~~Counseling and Therapy Practice Act.~~

8 ~~An applicant for licensing pursuant to this section shall~~
9 ~~be issued a temporary license by the department upon filing his~~
10 ~~application along with proof of a valid current regulatory~~
11 ~~document from another jurisdiction. This temporary license is~~
12 ~~valid only until the board considers and acts on the~~
13 ~~application. An applicant is entitled to only one temporary~~
14 ~~license pursuant to this provision.] The board may issue a~~
15 ~~license to a person who files a completed application~~
16 ~~accompanied by the required fees and who submits satisfactory~~
17 ~~evidence that the applicant held for the last three years a~~
18 ~~current license issued by the appropriate examining board under~~
19 ~~the law of any other state or territory of the United States,~~
20 ~~the district of Columbia or any foreign nation and:~~

21 ~~A. holds a professional mental health counselor~~
22 ~~license and taken and passed the NCC examination from the~~
23 ~~national board of certified counselors; or~~

24 ~~B. holds a clinical mental health counselor license~~
25 ~~and has taken and passed the NCC and CCMHC examination from the~~

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1 national board of certified counselors; or

2 C. is a clinical member of the American association
3 for marriage and family therapy;

4 D. is a registered art therapist, board certified
5 (ATR-BC) by the art therapy credential board; or

6 E. is an alcohol and drug abuse counselor and has
7 taken and passed the required examination prescribed by the
8 board.

9 Applicants who do not meet the licensure by credential
10 must meet the current licensure requirements."

11 Section 20. Section 61-9A-23 NMSA 1978 (being Laws 1993,
12 Chapter 49, Section 23, as amended) is amended to read:

13 "61-9A-23. LICENSE AND REGISTRATION RENEWAL. --

14 A. Each licensee or registrant shall renew his
15 license or registration biennially by submitting a renewal
16 application on a form provided by the board and complying with
17 all renewal requirements. [~~Licensees with even-numbered~~
18 ~~licenses shall renew in even-numbered years. Licensees with~~
19 ~~odd-numbered licenses shall renew in odd-numbered years.] The
20 board may establish a method to provide for staggered biennial
21 terms. The board may authorize license renewal for one year to
22 establish this renewal cycle and charge the proportionate
23 license fee for that period.~~

24 [~~B. A ninety-day grace period shall be allowed each~~
25 ~~licensee or registrant after the license or registration~~

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1 ~~period, during which time licenses and registrations may be~~
2 ~~renewed upon payment of the renewal fee and late fee and~~
3 ~~compliance with all renewal requirements.]~~

4 B. If a license is not renewed by the expiration
5 date, the license or registrant will be considered expired and
6 will refrain from practicing. The licensee or registrant may
7 renew within a ninety-day grace period by submitting payment of
8 the renewal fee, late fee and compliance with all renewal
9 requirements. Upon receipt of payment and ceu requirements,
10 the licensee and registrant may resume practice. Failure to
11 receive renewal notice and application for renewal of license
12 from the board does not excuse a licensed professional
13 counselor from the requirements for renewal.

14 C. If ceu requirements are not completed within the
15 licensing period and by the expiration date, the license or
16 registrant will be considered expired and will refrain from
17 practicing.

18 ~~[C. Any]~~ D. A license or registration granted by
19 the board shall be automatically suspended if the holder fails
20 to apply for the renewal license or registration provided for
21 in this section within a period of three months after the
22 renewal deadline; provided that any license or registration so
23 suspended may be restored by the board upon payment of a
24 reinstatement fee not to exceed one hundred dollars (\$100) in
25 addition to ~~[any]~~ unpaid renewal or late fees. Failure to

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1 renew a license or registration within three months from the
2 date of suspension as provided in this section shall cause the
3 license or registration to be automatically revoked.

4 Reinstatement of a revoked license or registration will require
5 the licensee to reapply and meet all current standards for
6 licensure or registration.

7 ~~[D.]~~ E. A person licensed or registered under the
8 Counseling and Therapy Practice Act who wishes to retire from
9 practice shall notify the board in writing before the
10 expiration of his current license or registration. If, within
11 a period of five years from the year of retirement, the
12 licensee or registrant wishes to resume practice, he shall so
13 notify the board in writing, and upon giving proof of
14 completing such continuing education as prescribed by rule of
15 the board and the payment of ~~[an]~~ a renewal license fee and
16 reinstatement fee amount equivalent to all lapsed renewal fees,
17 his license or registration shall be restored to him in full
18 effect. "

19 Section 21. Section 61-9A-24 NMSA 1978 (being Laws 1993,
20 Chapter 49, Section 24, as amended) is amended to read:

21 "61-9A-24. LICENSE AND REGISTRATION FEES. -- Applicants for
22 licensure or registration shall pay biennial fees set by the
23 board in an amount not to exceed:

24 A. for application for initial licensure or
25 registration, seventy-five dollars (\$75.00), which is not

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1 refundable;

2 B. for licensure or renewal as a professional
3 mental health counselor or registered independent mental health
4 counselor, three hundred dollars (\$300);

5 C. for licensure or renewal as a clinical
6 professional mental health counselor, marriage and family
7 therapist or professional art therapist, four hundred twenty
8 dollars (\$420);

9 D. for registration or renewal as a registered
10 mental health counselor, licensed mental health counselor or
11 registered independent mental health counselor, two hundred
12 forty dollars (\$240);

13 E. for all examinations, seventy-five dollars
14 (\$75.00) or, if a national examination is used, an amount that
15 shall not exceed the national examination costs by more than
16 twenty-five percent;

17 F. for a duplicate or replacement license or
18 registration, twenty-five dollars (\$25.00);

19 G. for failure to renew a license or registration
20 within the allotted grace period, a late penalty fee not to
21 exceed one hundred dollars (\$100);

22 H. reasonable administrative fees; and

23 I. for licensure, registration or renewal as an
24 alcohol and drug abuse counselor, an alcohol abuse counselor, a
25 drug abuse counselor or a substance abuse intern, two hundred

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